

SUMMARY

Solid Waste Site Suitability Rule Revision

November 8, 2005

1:00 p.m.

Division of Geology and Land Survey

111 Fairgrounds Road

Annex Conference Room

Rolla, MO

In Attendance:

Steve Rudloff, Missouri Limestone Producers Association

Dave Overfelt, NSW MMA

Wayne Henke, State Representative-11th District

Bob Berri, Berri Exploration

Mark Russell, Shaw Environmental, Inc.

Edward Rutz, Prairie Valley Landfill

Lisa Disbrow, Waste Management

Bill Upmon, Waste Management of Missouri

Dani Smith, AECI

Jerry Bindel, AECI

Carla Klein, Sierra Club

Glen O'Bryan, Genesis Solid Waste Group

Tim Duggan, Missouri Attorney General's Office

Richard Brownlee, Hendren and Andrae

Tom Rackers, Genesis Solid Waste Group

Gary Pendergrass, Springfield City Utilities

Tom Gredell, Gredell Engineering, American Council of Engineering Companies of MO

Tim Roehl, South Central Solid Waste Management District

John Bognar, American Institute of Professional Geologists & Leggette, Brashears and Graham

Tom Sager, Concerned Citizen

Alice Geller, Department of Natural Resources

Jim Hull, Solid Waste Management Program, DNR

Jim Bell, Solid Waste Management Program, DNR

Darleen Groner, Hazardous Waste Program, DNR

Bill Duley, Division of Geology and Land Survey, DNR

Steve Sturgess, Division of Geology and Land Survey, DNR

Peter Price, Division of Geology and Land Survey, DNR

Joe Gillman, Division of Geology and Land Survey, DNR

David Overhoff, Division of Geology and Land Survey, DNR

Mimi Garstang, Division of Geology and Land Survey, DNR

Site Investigation Rulemaking Workgroup Notes November 8, 2005

These notes reflect comments, suggestions, observations, and questions posted on flip charts during the meeting. The draft rule language used during this meeting was the November 8, 2005 draft. The top of the draft says “Revised Version Based on Legal Review. Draft rule version 2.1. November 8, 2005”.

The version of the draft rule language sent in the mail with the agenda for this had a format error on the last page. While no wording was changed, a corrected format was provided in the November 8 draft.

Also included in the version provided during the meeting, were some changes, indicated in blue, that came from department policy staff. These changes were discussed during the November 8 meeting.

General Questions from November 8 Meeting.

1. Will horizontal expansions fall under any new rule requirements, or be grandfathered in?

Department Response:

Horizontal expansions will be considered new solid waste areas.

2. Will further development of a permitted site require the PSI and DSI as outlined in any new rule requirements?

Department Response:

Existing permitted sites will not be affected by this rule revision.

3. How can we provide for future capabilities and techniques pertinent to landfill siting?

Department Response:

Some flexibility is already included in the current rule language. The rule may require future revisions to allow for some new capabilities and techniques.

Comments on DRAFT of rulemaking language 1-CSR 80-2.015

1. (1) (A)

“... approximate base of the proposed solid waste disposal area.” How will this base level be used? Can it be negotiable?

Department Response:

The base level information would be used as an indicator or reference elevation for evaluating the site and not as a final determination of the actual base level.

2. (1)(A) 1.

Instead of the word “site” use solid waste disposal area. If solid waste disposal area is used, then the term is already explained in the definitions. If the word “site” is used, it will need to be added to the definitions.

*Department Response:
The word “site” will be defined.*

3. (1) (A) 1. B.

Differing opinions expressed on whether to keep or not the rare and endangered species language. Is this covered by US Army Corps of Engineers 404 authority for jurisdictional streams? If it is, is it redundant to list it here?

*Department Response:
Consideration of rare and endangered species impact on a proposed facility is not part of the geologic or hydrologic suitability of the site. This subject is also addressed at a later point in the permitting process. However, it has been included in the revision of Appendix I.*

4. Concerns were expressed that the reference to habitat for rare or endangered species is not specific enough to groundwater and could be misinterpreted.

*Department Response:
This section is being revised and the reference will be included in the revision of Appendix I.*

5. (1)(A) 3. A. ii.

Instead of using the term “combined minimum thickness” use a rate for permeability such as one used by hazardous waste – 30 feet or 10^{-7} . Or – take this section out. Or leave it in but clarify in Appendix 1 what positive consequences or incentives would be in place if this condition were met.

*Department Response:
This terminology is being clarified and Appendix I will clarify positive consequences.*

6. (1)(B)

Does the department want to provide this type of assistance (recommending alternate sites that are geologically and hydrologically suitable)?

Department Response:

DGLS already does provide this type of assistance when requested. Nevertheless, this section has been deleted as a result of comments.

7. Should the rule have a provision for a variance if the applicant can prove that no harm to human health or the environment will occur with the solid waste area proposal?

Department Response:

The Department of Natural Resources is required to determine whether proposed landfill locations are appropriate for the development of landfills, as mandated by Section 260.205.2, RSMo. The statute currently has no provisions for allowing variances.

8. Some do not agree with the provision that “Under no circumstances shall approval be granted to a site that has a condition specified as unsuitable pursuant to 1- CSR 80-2.015(1)(A)1.” It is too restrictive concerning fatal flaws.

Department Response:

The Department is revising the language from this section. However, the list of “unsuitable” site conditions is appropriate and the list will be applicable at both the PSI and DSI stages of the permitting process.

New definitions to be added

Groundwater

(Note: Groundwater is already defined in the rule.)

Uppermost Regional Aquifer

Permeable Geologic Media

Potable

Site (may use solid waste disposal area, which is defined)

If use “rare and endangered” will need to define

Utility Waste- add Cement Kiln Dust

Water Bearing Zone that is not an aquifer

Brief discussion points about Appendix 1

DGLS to redraft Appendix 1 based on draft rule and then host another meeting to go over the Appendix 1 update.

Brief discussion points about including all types of landfills in this rulemaking

Two thoughts expressed in general:

- Not all utility landfills are in floodplains- there would need to be a different set of fatal flaws
- For utility landfills in floodplains, the proposed fatal flaws are OK